Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address: Robert Amo
   18 Greenbriar Lane
   Annandale, NJ 08801-1616

2. Type of action: Application For Beneficial Water Use Permit 76K 30029918

3. Water source name: Unnamed Tributary to Rumble Creek

4. Location affected by project: SWNW Section 8, T20N, R16W, Missoula County

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits: Robert Amo (applicant) submitted an Application for Beneficial Water Use Permit to DNRC applying for a water right for fish and recreation purposes. The proposed point of diversion and place of use is an existing onstream pond located in the SESWNW of Section 8, T20N, R16W, Missoula County. The pond was originally a natural pothole lake an intermittent unnamed tributary to Rumble Creek. Sometime prior to 1991 a previous property owner constructed a dam and access road across the natural pond outlet. The dam contains an outlet structure that allows the applicant to control the water level in the pond. The pond has a surface area of 2.3 feet and is 10 feet deep, with a capacity of 11.5 acre-feet. The applicant is applying for a water right for one filling of the pond and replacement of evaporative losses, which equals 18.9 acre-feet per year. The proposed period of appropriation and use is year round. The DNRC shall issue a water use permit if an applicant proves the criteria in 85-2-311 MCA are met.

6. Agencies consulted during preparation of the Environmental Assessment:
   (include agencies with overlapping jurisdiction)

Montana Historical Society	Cultural Resource File Search
Montana Natural Heritage Program	Species of Concern
Montana Department of Fish, Wildlife and Parks	2005 Dewatered Stream List
Montana Department of Environmental Quality	303(d) list of impaired streams

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity *- Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

The source of supply, or those streams to which it is tributary, are not identified as either chronically or periodically dewatered by DFWP. The proposed water use is largely non-consumptive in the flow through fish and recreation pond. The applicant states that inflows and outflows are equal. Approximately 7.4 acre-feet of water is lost to evaporation annually, however, since this was originally a natural pond, the evaporation has always occurred.

Determination: No impact.

Water quality *- Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

The Department of Environmental Quality has not assessed water quality in the unnamed tributary, Rumble Creek or the Swan River from Lindbergh Lake to Swan Lake. Fish ponds have been documented as being a source of pollution to streams. Pollution can occur from release of warmed water, and from pollutants associated with fish rearing, including whirling disease, and increased organic material from over feeding and/or exceeding proper fish stocking rates.

Determination: No significant impact.

Groundwater *- Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

Determination: N/A the project does not involve groundwater.

DIVERSION WORKS *- Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

The proposed diversion consists of an earthen dam with a standpipe outlet structure. The water level of the pond can be raised or lowered by placing boards in the standpipe. The proposed water use will temporarily cause flow modifications in the unnamed tributary when the pond is being filled. Once the pond is filled, inflows will equal outflows, and there will be no flow modifications. The onstream dam creates a barrier to fish migration. The unnamed tributary is an intermittent stream that does not flow year round, limiting it's suitability for cold water aquatic species such as cutthroat and bull trout. Between the applicant's pond and the unnamed tributary's confluence with Rumble Creek, there is another onstream pond that also acts as a fish barrier. Riparian areas around the pond were recently disturbed by the applicant during dredging of the pond. Waste material from dredging the pond was placed on the shoreline, covering

existing riparian vegetation. The applicant will reseed the area and allow vegetation to become reestablished. The proposed project will not impair well construction in the area.

Determination: No significant impact.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species *- Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

The Montana Natural Heritage Program was contacted to determine if there are any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern", that could be impacted by the proposed project.

The Montana Natural Heritage Program identified the following animal species, Gray Wolf, Canada Lynx, Grizzly Bear, Wolverine, Fisher, Bull Trout, and Cutthroat Trout occurring within the vicinity of Township 20 North, Range 16 West, Missoula County. In addition, the following sensitive plant species were also identified; Small Yellow Lady's Slipper, Howell's Gumweed and Wavy Moonwart.

Large vertebrae animals such as gray wolf, Canada lynx and grizzly bear should not be impacted by the proposed project because the pond has been in existence for many years, and was naturally occurring prior to the construction of the dam. Bull Trout and Cutthroat Trout should not be impacted because the unnamed tributary does not flow year round and typically runs dry during the later summer months. None of the plant species identified were found on the applicant's property.

Determination: No impact.

Wetlands *- Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Determination: N/A the proposed water use does not involve wetlands.

Ponds *- For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

The pond is located on an intermittent stream that does not flow year round. There is an onstream pond located downstream of the applicant's pond that is also a barrier to fish migration. Other existing wildlife can access the pond and utilize habitat provided by the pond.

Determination: No impact.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

There will be no application of water to the soil resulting from the proposed use of this pond for fisheries and recreation.

Determination: No impact.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Existing vegetation around the pond was disturbed during pond dredging activities. If the applicant does not reseed the disturbed soils around the pond noxious weed could become established. Since this proposed water use is located entirely on private property the applicant is responsible for controlling noxious weeds.

Determination: No significant impact.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Adverse air quality impacts from increased air pollutants are not expected as a result of this project.

Determination: No impact.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.*

The Montana Historical Society indicates no historical or archaeological sites are inventoried in the area. As long as there is no disturbance or alteration to structures over fifty years of age there is a low likelihood cultural properties will be impacted.

Determination: No impact.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination:

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

The project is located in an area with no locally adopted environmental plans

Determination: No impact.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

The proposed project will not inhibit, alter or impair access to the present recreational opportunities in the area. The project is not expected to create any significant pollution, noise, or traffic congestion in the area that may alter the quality of recreational opportunities.

Determination: No impact.

HUMAN HEALTH - *Assess whether the proposed project impacts on human health.*

The project does not pose a significant risk to the human health.

Determination: No impact.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*
*Yes___ No_**XX**__ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights*.

Determination: No impact.

OTHER HUMAN ENVIRONMENTAL ISSUES - *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

Impacts on:

(a) Cultural uniqueness and diversity? None identified.

(*b) Local and state tax base and tax revenues?* None identified.

(c) Existing land uses? None identified.

(*d) Quantity and distribution of employment?* None identified.

(e) Distribution and density of population and housing? None identified.

(f) Demands for government services? None identified.

(g) Industrial and commercial activity? None identified.

(h) Utilities? None identified.

(i) Transportation? None identified.

(j) Safety? None identified.

2. *Secondary and cumulative impacts on the physical environment and human population:*

Secondary Impacts None identified.

Cumulative Impacts None identified.

3. *Describe any mitigation/stipulation measures:*

No reasonable alternatives were identified in the EA.

4. *Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:*

PART III. Conclusion

1. Preferred Alternative None identified.

2 Comments and Responses

3. *Finding:*
Yes___ No **XX** *___ Based on the significance criteria evaluated in this EA, is an EIS required?*

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

AN EA IS THE APPROPRIATE LEVEL OF ANALYSIS FOR THE PROPOSED ACTION BECAUSE NO SIGNIFICANT IMPACTS WERE IDENTIFIED.

Name of person(s) responsible for preparation of EA:

Name: Jim Nave
Title: Water Resource Specialist
Date: December 31, 2007